

## **IC 5-4-5**

### **Chapter 5. Bonds Obtained From Surety Companies**

#### **IC 5-4-5-1**

##### **Who must furnish bond**

Sec. 1. Every public official elected or appointed to any public office, employment or position of trust, and officer of the Indiana national guard, who is required to execute and furnish a bond or other like obligation may procure such bond or other like obligation from a surety company or surety companies authorized by law to transact business in this state and competent to execute and furnish a bond or other like obligation of the character required.

*(Formerly: Acts 1925, c.30, s.1; Acts 1931, c.27, s.1.) As amended by Acts 1981, P.L.47, SEC.5.*

#### **IC 5-4-5-2**

##### **Cost of bond; source of payment**

Sec. 2. The cost of any such bond or other like obligation so procured, if furnished by a state officer or employee, shall be paid out of the general fund of the state treasury; if furnished by an officer or employee of any state institution, such cost shall be paid out of the maintenance fund of such institution; if furnished by a county, city, town, or township officer or employee, such cost shall be paid out of the general fund of the county, city, town, or township in and for which such officer or employee shall have been or shall be elected or appointed, as the case may be; if furnished by any officer or employee of any school corporation, such cost shall be paid out of the special school fund of the school corporation in and for which such officer or employee shall have been or shall be elected or appointed; and if furnished by any officer or employee of any municipal corporation or political subdivision of the state, other than those designated in this section, such cost shall be paid out of the operating or maintenance fund of such corporation or political subdivision in or for which such officer or employee is acting.

*(Formerly: Acts 1925, c.30, s.2.) As amended by P.L.25-1986, SEC.15.*

#### **IC 5-4-5-3**

##### **Cost of bond; method of payment**

Sec. 3. The cost of any such surety bond or other like obligation so required, as hereinbefore provided, shall be paid in the same manner as office expenses, and the proper fiduciary officer of the state or of any such municipal corporation or institution is hereby authorized and directed, upon the presentation of a voucher therefor, to issue his warrant, without an appropriation having been previously made therefor, in such amount as may be necessary to pay for the cost of such bond or obligation.

*(Formerly: Acts 1925, c.30, s.3.)*

#### **IC 5-4-5-4**

**Bonds executed before passage of act**

Sec. 4. In the event that any surety bond shall have been procured and executed, prior to February 28, 1925, by any officer whose term of office will extend beyond February 28, 1925, any deferred payments on any such bond which may fall due on or after January 1, 1926, shall be paid, as provided in this chapter, out of the funds of the state or of the municipal corporation or political subdivision or institution in and for which such public official is acting.

*(Formerly: Acts 1925, c.30, s.4.) As amended by P.L.25-1986, SEC.16.*

**IC 5-4-5-5****Blanket bonds; crime policies; faithful performance of duty of state employee or instrumentality**

Sec. 5. (a) This section applies notwithstanding any other statute.

(b) Whenever the state or an instrumentality of the state pays for a bond or crime insurance policy endorsed to cover the faithful performance of duty of an employee of the state or an instrumentality of the state (including a public official or deputy), the bond or crime insurance policy must, when feasible, cover all of the employees in:

- (1) an individual state agency or instrumentality; or
- (2) two (2) or more state agencies or instrumentalities specified in the blanket bond or crime insurance policy.

The Indiana department of administration may require two (2) or more state agencies to obtain a joint blanket bond or crime insurance policy endorsed to include faithful performance.

(c) The commissioner of insurance shall prescribe the form of the bonds or crime policies required by this section.

*As added by P.L.14-1986, SEC.10. Amended by P.L.49-1995, SEC.5.*